

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROBERT L. WILLIAMS,

Plaintiff,

v.

MONIYAN, et al.,

Defendants.

Case No. [22-cv-01461-DMR](#)

**ORDER TO SHOW CAUSE WHY
CASE SHOULD NOT BE DISMISSED**

Self-represented Plaintiff Robert Williams filed a complaint and an application to proceed *in forma pauperis* (“IFP”). [Docket Nos. 1-2.] Plaintiff’s complaint is unclear, but he appears to allege that Defendants Moniyan (the CEO of Bank of America), the President of the Arizona Employment Development Department, and the Arizona Governor unlawfully denied him pandemic-related unemployment insurance. Plaintiff lives in Walnut Creek, California.

The complaint does not contain information that establishes personal jurisdiction over non-California Defendants. The complaint also does not contain information supporting that the case should be brought (or “venued”) in this judicial district.

Personal jurisdiction is proper if it is “consistent with [California’s] long-arm statute and if it comports with due process of law.” *Boschetto v. Hansing*, 539 F.3d 1011, 1020-21 (9th Cir. 2008). Under California’s long-arm statute, a federal court may exercise personal jurisdiction over a defendant to the extent permitted by the Due Process Clause of the Constitution. Cal. Code Civ. Proc. § 410.10; *Schwarzenegger v. Fred Martin Motor Co.*, 374 F.3d 797, 800-01 (9th Cir. 2004). “A district court’s exercise of jurisdiction over a nonresident defendant comports with due process when the defendant has at least ‘minimum contacts’ with the forum and subjecting the defendant to an action in that forum would ‘not offend traditional notions of fair play and substantial justice.’” *Ayla, LLC v. Alya Skin Pty. Ltd.*, 11 F.4th 972, 979 (9th Cir. 2021) (quoting

Int'l Shoe Co. v. Washington, 326 U.S. 310, 316 (1945)).

“A defendant’s minimum contacts can give rise to either general or specific jurisdiction.” *Id.* Under the general jurisdiction analysis, “[f]or an individual, the paradigm forum for the exercise of general jurisdiction is the individual’s domicile; for a corporation, it is an equivalent place, one in which the corporation is fairly regarded as at home.” *Bristol-Myers Squibb Co. v. Super. Ct.*, 137 S. Ct. 1773, 1780 (2017).

With regard to venue, a federal statute governs the district(s) in which a civil action may be filed:

(1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located;

(2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or

(3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court’s personal jurisdiction with respect to such action.

28 U.S.C. § 1391(b). “The district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” 28 U.S.C. § 1406(a). “Whether venue is ‘wrong’ or ‘improper’ depends exclusively on whether the court in which the case was brought satisfies the requirements of federal venue law.” *Atl. Marine Const. Co. v. U.S. Dist. Ct.*, 571 U.S. 49, 55 (2013).

Plaintiff has not shown that the Northern District of California may exercise personal jurisdiction over the people he has sued because he has not established that each of them has sufficient minimum contacts with California or that exercising jurisdiction in California is reasonable. Plaintiff also has not shown that this action is properly venued in this district. Defendants do not reside in this district, and it appears that “a substantial part of the events or omissions giving rise to the claim occurred” in the District of Arizona, and not here. *See* 28 U.S.C. § 1391(b)(1)-(2). Unless Plaintiff can show legal authority for personal jurisdiction and venue in this district, the court may dismiss the case without prejudice to Plaintiff being able to

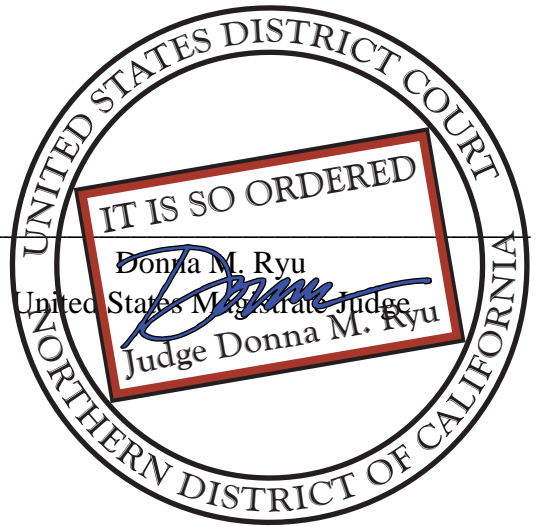
file it in an appropriate district.

Accordingly, the court orders Plaintiff to file a statement explaining the bases for personal jurisdiction in California for each of the Defendants. Plaintiff's statement must also explain why venue in the Northern District of California is appropriate. Plaintiff must file the statement by no later than **April 18, 2022**. Failure to file a timely statement may result in dismissal of the case.¹

The court refers Plaintiff to the section "Representing Yourself" on the Court's website, located at <https://cand.uscourts.gov/pro-se-litigants/>, as well as the Court's Legal Help Centers for unrepresented parties. Parties may schedule an appointment by calling 415-782-8982 or emailing fedpro@sfbar.org.

IT IS SO ORDERED.

Dated: March 17, 2022



¹ In the interest of judicial economy, the court does not reach other issues at this time, including the application of sovereign immunity, whether Plaintiff has stated a legal claim for relief, and whether his complaint alleges a federal question or diversity jurisdiction. *See* 28 U.S.C. §§ 1331, 1332(a).